



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,738	09/28/2001	Michael Soemo	2001P18038US	3567

7590 08/09/2005

Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

REID, CHERYL M

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,738

Applicant(s)

SOEMO ET AL.

Examiner

Cheryl M. Reid

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-51 have been examined.
2. The provisional double patenting rejection set forth in the previous office action has been withdrawn.

Response to Arguments

3. Applicant's arguments filed 5/31/05 have been fully considered but they are not persuasive. Regarding Applicant's argument that Hite does not an application controller that has a database containing system points, refer to the discussion of claim 1.

Regarding argument that Hite does not teach of a field for determining a format for displaying an element value, refer to the discussion of claim 47.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Hite et al (US 6763040) hereinafter Hite.
5. In regards to claim 1 Hite teaches of :

- about a plurality of predefined messages transmitted between the application controller and the applications for instructing the application controller to perform a function relating to a select system point and for reporting to the applications in response to said instruction (Col 3, lines 25-32, 42-46, Col 5, lines 20-36) wherein the user interface devices are the applications.
- plurality of messages include a discover message transmitted from the applications to the application controller for inquiring whether the select system point is stored in a database of the application controller (Col 3, lines 55-58, Col 9, lines 25-31). Examiner is interpreting the database as any database that is associated with, connected to or linked to the application controller, not as a database that resides in the application controller. In Applicant's response, Applicant argues that Hite does not teach "application controllers having a database." However, Examiner asserts that Applicant's disclosure does not teach this feature, therefore the above interpreting is appropriated. Applicant's specification states "in addition, the MSG_ID_SP_DISCOVER_PUID message also includes a PUID field for identifying the PUID number of the SP stored in the database of the NPRA 104." Applicant goes on to define the NPRA as "Network Point Record Application" and describes the NPRA as "The NPRA 104 provides a means of data collection, translation, reporting, and updating from data sources on the network 108. The SV servers 106 facilitate transmission of data or system variables (SVs) from the device controllers 112, 116 to the NPRA 104, and data from the NPRA to the device controllers." The "application

Art Unit: 2142

controller" that has the database is the NRPA which according to Applicant's disclosure is an application.

- a message identification field for identifying a select message from said plurality of messages (Col 12, lines 25-30); and a protocol identification field for identifying said select message as being transmitted via said proprietary communication protocol (Col 11, lines 40-45). Examiner is using the definition of a system point as anything that is an attribute, value or is an element because this gives the broadest reason of interpretation.

6. The rejections for claims 2-13 have been set forth in prior office action mailed on 1/14/2005.

7. The rejections for claims 15-39 have been set forth in prior office action mailed on 1/14/2005.

8. In regards to claim 47, refer to claim 1. For the remaining limitations Hite teaches of a field for indicating at least one element value of the select system point (Col 9, lines 25-31), a field is an inherent attribute of a database, a field for determining a format for displaying said element values (Col 4, lines 24-27, Col 22, lines 13-23)

9. In regards to claims 48-51 see the rejection that was applied to claims 2-5 in the previous office action.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2142

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571 272 3903. The examiner can normally be reached on Mon- Fri (7-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BEATRIZ PRIETO
PRIMARY EXAMINER